

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LANIER RENE AYERS,
Plaintiff,
v.
HENRY RICHARDS, *et al*,
Defendant

Case No. C06-5264RBL-KLS

**ORDER DENYING PLAINTIFF'S
MOTION TO DEPOSE ALL
LISTED DEFENDANTS
THROUGH USE OF
ELECTRONIC RECORDING
DEVICE**

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's filing of a motion to depose all listed defendants through use of electronic recording device. (Dkt. #23). After reviewing plaintiff's motion and the balance of the record, the Court finds and orders as follows:

Plaintiff requests that he be allowed to depose all of the defendants named in his complaint via use of an electronic portable cassette recording device to be provided by the Court. It appears, however, that discovery has not yet begun in this case. Indeed, the answer has only just recently been filed. (Dkt. #32). Accordingly, plaintiff's motion is pre-mature. In addition, plaintiff should be aware that discovery is a process to be worked out between the parties, and that his *in forma pauperis* status does not entitle him to receive assistance from the Court in prosecuting his case beyond waiver of the filing fee and service of the complaint, including the provision of recording or other similar devices for use during litigation.

Accordingly, for all of the above reasons, plaintiff's motion to depose all listed defendants through use of electronic recording device (Dkt. #23) hereby is DENIED.

The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

DATED this 28th day of March, 2007.

Karen L. Stromson

Karen L. Strombom
United States Magistrate Judge